## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
v.	)	CRIMINAL NO. 04-10290-MEL
GABRIEL HERNANDEZ	)	

## ASSENTED-TO MOTION TO EXPEDITE PRETRIAL CONFERENCE

The United States of America, with the assent of the defendant, Gabriel Hernandez, hereby moves the Court to schedule a pretrial conference forthwith. As grounds, the government states that since the Court's denial, on October 18, 2005, of the defendant's Motion to Dismiss, the Speedy Trial clock has been running. According to the government's calculations, as of this date, approximately 34 days remain of the 70-day period prescribed by the Speedy Trial Act ("STA"), 18 U.S.C. §§ 3161 et seq., for the commencement of trial. On November 8, 2005, the Court re-scheduled the pretrial conference previously scheduled to be held on November 10, 2005. The new date is November 28, 2005, by which time approximately 16 days will remain on the STA clock. The parties agree that a pretrial conference should be held as soon as practicable.

Respectfully submitted,

MICHAEL J. SULLIVAN United States Attorney

By: /s/ John A. Capin

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